

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK**

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**In re:**

**Joseph A. Dimino Jr**  
**Debtor.**

**Hearing Date: 2/1/24 at 10:00 am**  
**Location: Syracuse**

**Case No: 23-30672**  
**Chapter 13**

**RESPONSE TO MOTION TO  
LIFT THE AUTOMATIC STAY  
MADE BY M&T Bank**

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The debtor, Joseph A. Dimino Jr, through his attorney, Neil T. Bhatt, respectfully responds to the Motion to Lift the Automatic Stay made by Tyler J. O'Neill, in house counsel for M&T Bank states as follows:

1. The debtor filed a voluntary Chapter 13 petition on September 20, 2023 in the Northern District of New York, Syracuse. The Chapter 13 plan was confirmed on January 5, 2024 providing \$600 a month for 60 months, with the unsecured nonpriority creditors to receive at least a 36% dividend thru the Chapter 13 plan.
2. The debtor did list M&T Bank for a 2015 Mercedes in Schedule D of the petition. The Confirmation order provides \$425.83 pre petition arrears and post petition vehicle payments to be paid outside of the Chapter 13 plan.
3. M&T Bank filed a motion to lift the automatic stay alleging post petition vehicle payments of \$1629.15 thru January 2024.

4. Upon information and belief, the debtor paid \$600 in January 2024 towards the arrears.

Even so, the debtor is requesting a 45 day conditional order to be current.

**WHEREFORE**, the debtor respectfully requests that the motion to lift the automatic stay made by M&T Bank denied, and in the alternative that an adjournment be granted in anticipation of a 45 day conditional order.

Dated: 1/22/24

/s/ Neil T. Bhatt  
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